

Article - State Government

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§18–104.

(a) (1) On the Governor's own initiative or on a request made to the Governor in writing by the Senator for the senatorial district in which the applicant or notary public resides, the Governor may deny, refuse to renew, revoke, suspend, or impose conditions on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

(i) a failure to comply with this title or regulations adopted under this title;

(ii) a fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission;

(iii) a conviction of a felony or crime involving fraud, dishonesty, or deceit;

(iv) a finding against or an admission of liability in a legal proceeding or disciplinary action based on fraud, dishonesty, or deceit;

(v) failure to discharge any duty required of a notary public, whether imposed by any federal or State law or regulations adopted by the Secretary of State;

(vi) use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have; and

(vii) denial, refusal to renew, revocation, suspension, or conditions of a notary public commission by another state.

(2) Subject to subsection (c) of this section, after notice to the notary and the opportunity for a hearing before the Secretary of State or the Secretary of State's designee, the Secretary of State shall submit a recommendation to the Governor for action as the Governor determines to be required in the case.

(b) (1) The Governor may delegate to the Secretary of State or the Assistant Secretary of State the authority to take an action under subsection (a) of this section.

(2) Subject to subsection (c) of this section, the Secretary of State or Assistant Secretary of State shall give the notary notice and an opportunity for a hearing as provided in subsection (a) of this section, but is not required to submit a recommendation to the Governor before acting under this subsection.

(c) Notice and the opportunity for a hearing under subsections (a) and (b) of this section are not required to be given to an applicant for an initial commission as a notary public regarding the denial of the commission.

(d) A hearing under this section is not a contested case under Title 10, Subtitle 2 of this article.

(e) The notice and hearing opportunity under subsections (a) and (b) of this section is deemed satisfied if a letter informing the applicant or notary of the impending action and hearing opportunity is mailed to the applicant or notary by first-class mail at the last address the applicant or notary has given to the Secretary of State.

(f) An action taken under this section against a notary public does not preclude a person from seeking and obtaining any other criminal or civil remedy provided by law for redress of harm caused by the notary public.

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